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August 26, 2011

BY ELECTRONIC FILING

The Honorable Gregory M. Sleet
United States District Court
For the District of Delaware
J. Caleb Boggs Federal Building
844 North King Street
Wilmington, DE 19801

Re: In re: Armodafinil Patent Litigation, MDL No. 10-md-2200-GMS

Dear Chief Judge Sleet:

In anticipation of the discovery teleconference scheduled for 11:30 a.m. on September 1, 2011, in the above-captioned matter, the parties jointly submit the following agenda items. Defendants respectfully ask this Court to alternate its consideration of the issues between the parties.

Plaintiffs' Issues:

- As to Defendants Generally
 - Scheduling fact depositions after the August 19, 2011, fact discovery deadline.
- As to Mylan
 - Failure to produce information related to other polymorphs of Armodafinil made, used, or considered by or for Mylan in response to Cephalon's discovery requests.
 - Failure to produce properly noticed citizens of India in the United States for deposition.
- As to Apotex
 - Failure to produce a copy of Apotex's draft response to the FDA's February 15, 2011, deficiency letter.

Defendants' Issues:

- Brief extension of discovery deadlines.

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- Failure to produce complete documents without redactions related to the drug and patent in suit.¹
- Improper instructions not to answer questions during depositions.¹
- Production of 30(b)(6) witness to testify regarding facts Cephalon relies on to prove secondary indicia of non-obviousness.
- Re-open deposition of French witness, Dr. Coquerel, due to expected production of relevant documents on August 29, 2011 pursuant to Article II Hearing in Paris.¹

Respectfully submitted,

/s/ Mary W. Bourke

Mary W. Bourke

cc: Clerk of the Court (Via Hand Delivery)
Defendants' counsel (Via Electronic Mail)

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¹ Plaintiffs do not believe that the parties have had sufficient time to adequately meet and confer, consider, and attempt to work out a suitable resolution of these issues, and therefore do not view them as ripe for the Court's consideration.